

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Serial No.: **09/498,677**

Filed: **February 7, 2000**

For: **BI-DIRECTIONAL ESD PROTECTION CIRCUIT**

Docket: **TI-29599**

Examiner: **Mondt, J.**

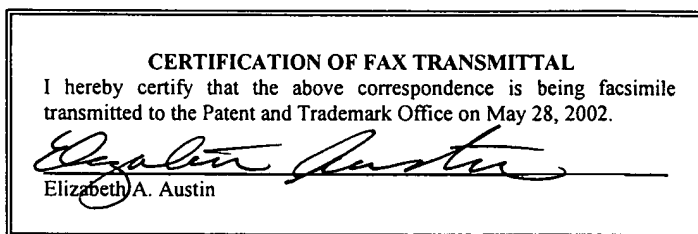
Art Unit: **2826**

Conf. No.: **9140**

ELECTION UNDER 35 USC § 121

May 28, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231



Dear Sir:

Applicants respectfully traverse Examiner's restriction requirement of March 28, 2002. Therein, Examiner seems to arbitrarily select three groups of figures (1A-1C, 2A-2B, 3) and states they are patentably distinct species of the claimed invention. Examiner offers no rationale for this arbitrary distinction and further states that no claims seem to be generic.

In a phone conversation with Examiner Mondt and SPE Flynn, applicants reiterated the requirement that "Examiners must provide reasons and/or examples to support conclusions" for their restrictions. (MPEP § 803). Neither Examiner Mondt nor SPE Flynn offered any reasons and/or examples to support their conclusions.

In their response of April 25, 2002, applicants argued that all elements of each of independent claims 1, 21, and 34 are found in each species (1A-1C, 2A-2B, 3) identified by Examiner. Thus, each independent claim is a generic claim.

Claims corresponding to each species are identified below.

Figures 1A-1C	Claims 1-4, 6-8, 11-12, 21-28, and 33-41.
Figures 2A-2B	Claims 1-12, 21-28, and 33-41.
Figure 3	Claims 1-4, 6-8, 11, 13, 21-24, 29-37, 40, and 42-43.

Claims 1-4, 6-8, 11, 21-24, 33-37, and 40 are linking claims. Should any of the linking claims be allowed, the restriction must be withdrawn. (MPEP § 809).

Responsive to Examiner's restriction requirement, applicants hereby provisionally elect the species of Figures 2A-2B identified by Examiner with traverse.

Respectfully submitted,



Robert N. Rountree
Reg. No. 39,347
Attorney for Applicants

Texas Instruments Incorporated
P. O. Box 655474, M/S 3999
Dallas, Texas 75265
(972) 917-4431
Fax: (972) 917-4418

To:

Technology
Facsimile Number: (703) 308-7722

Pages Sent: 03

From:

Robert N. Rountree
Texas Instruments Incorporated
Facsimile: 972-917-4417
Phone: 972-917-4431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Docket Number: **TI-29599**

Serial No.: **09/498,677**

Art Unit: **2826**

Filed: **02/07/2000**


Examiner: **Mondt, J.**

For: **Bi-Directional ESD Protection Circuit**

Conf. No.: **9140**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office at (703) 308-7722 on the date shown below:


Elizabeth Austin

May 28, 2002
Date

FACSIMILE COVER SHEET

<input checked="" type="checkbox"/> FACSIMILE COVER SHEET	<input type="checkbox"/> AMENDMENT (# Pages)
<input type="checkbox"/> NEW APPLICATION	<input type="checkbox"/> EOT (# Pages)
<input type="checkbox"/> DECLARATION (# Pages)	<input type="checkbox"/> NOTICE OF APPEAL (# Pages)
<input type="checkbox"/> ASSIGNMENT (# Pages)	<input type="checkbox"/> APPEAL (# Pages)
<input type="checkbox"/> FORMAL DRAWINGS	<input type="checkbox"/> ISSUE FEE (# Pages)
<input type="checkbox"/> INFORMAL DRAWINGS	<input type="checkbox"/> REPLY BRIEF (IN TRIPLICATE) (# Pages)
<input type="checkbox"/> CONTINUATION APP'N (# Pages)	<input checked="" type="checkbox"/> ELECTION UNDER 35 USC § 121
<input type="checkbox"/> DIVISIONAL APP'N	
NAME OF INVENTOR(S): Steinhoff, Et al.	RECEIPT DATE & SERIAL NO.: 09/498,677
	FILING DATE: 02/07/2000
TITLE OF INVENTION: Bi-Directional ESD Protection Circuit	
TI FILE NO.: TI-29599 DEPOSIT ACCT. NO.: 20-0668	
DATE FAXED: May 28, 2002	
DUE: May 28, 2002	
ATTY/SECY: Robert Rountree / E. Austin	

This facsimile is intended only for the use of the address named and contains legally privileged and/or confidential information. If you are not the intended recipient of this telecopy, you are hereby notified that any dissemination, distribution, copying or use of this communication is strictly prohibited. Applicable privileges are not waived by virtue of the document having been transmitted by Facsimile. Any misdirected facsimiles should be returned to the sender by mail at the address indicated on this cover sheet.

Texas Instruments Incorporated
PO Box 655474, M/S 3999
Dallas, TX 75265